

Registration of Clubs (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

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4. Club rules qualifying for registration.
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SCHEDULES.

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B I L L

TO

Provide for the Registration of Clubs in Ireland, and A.D. 1904.
for other purposes connected therewith.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1.—(1) From and after the commencement of this Act a register shall be kept by every petty sessions clerk (hereinafter called "the registrar"), in which he shall enter the name of each club to which a certificate of registration is granted under the provisions of this Act, which register shall be in a form prescribed
10 by the Lord Lieutenant, and shall show the date of such certificate, whether such certificate is granted for the first time or on renewal, the address of the premises to which the certificate is applicable, and the names and addresses of the officials and the committee of management or governing body of the club, and whether the club
15 is tenant or the proprietor (and occupier) of the said premises. The register and copy of the rules lodged with the registrar shall at all reasonable hours be open to inspection in the Dublin metropolitan district by a superintendent of the Dublin Metropolitan Police, and elsewhere in Ireland by a district inspector of the
20 Royal Irish Constabulary or any constable authorised by either of them in writing, or any officer of the Inland Revenue, without fee, and by any person on payment of a fee of *one shilling*.

- (2) The registration of a club under this Act shall not constitute the club licensed premises or authorise any sale of
25 excisable liquors therein which would otherwise be illegal.

- 2.—(1) The secretary of any club desiring a certificate of registration shall lodge with the registrar an application signed by

[Bill 10.]

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Application
for registra-
tion.

A.D. 1904. the chairman or secretary of the club, stating the name and object of the club, and the address of the premises occupied by the club, and shall publish the notice of such application once in a daily newspaper circulating in the locality. Such application shall be accompanied by two copies of the rules of the club, by a list 5 containing the names and addresses of the officials and committee of management or governing body, and the names of the members, and by a certificate in or as nearly as may be in the form set out in the First Schedule annexed hereto, which certificate shall be signed by a divisional magistrate of the Dublin metropolitan district, or 10 elsewhere in Ireland by two justices of the peace sitting at petty sessions for the county within which such premises are situate, and shall also, where such premises are not owned by the club, be signed by the owner of such premises or, where the owner is under any legal disability, by his legal representative. 15

(2) The secretary of any club desiring a renewal of the certificate shall, at a date not later than *twenty-one days* prior to its expiry, make application to the registrar for such renewal in the same manner and subject to the same incidents and publication as in the case of an original application for registration. 20

(3) Every club applying either for an original certificate or for a renewal shall, as a condition of registration, make payment to the registrar of a fee of *five shillings*.

Grant and
renewal of
certificate of
registration.

3.—(1) The registrar shall forthwith give notice of such application, if in the Dublin metropolitan district, to a superin- 25 tendent of police of the district in which the premises are situated, and, if elsewhere in Ireland, to the district inspector of the Royal Irish Constabulary, and if no objections are taken as hereinafter provided, the court shall, if satisfied that the application has been duly made as aforesaid, and that the rules of the club are in 30 conformity with the provisions of this Act, grant the application.

(2) It shall be competent for such superintendent of police or district inspector of the Royal Irish Constabulary, on receiving such notice, and for any person resident in the parish in which the club premises are situate, to lodge objections to the grant or 35 renewal of the certificate on any of the grounds of objection specified in this Act. Such objections shall be lodged by the objectors with the registrar within *ten days* of the receipt or publication of the notice of application, and at the same time a copy of the objections shall be sent by them to the secretary of the 40 club applying for the grant or renewal of a certificate.

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(3) The court shall, as soon as may be, hear parties upon the application and objections, and may order such inquiry as it thinks fit, and thereafter shall grant or refuse the application. Upon the grant of any such application the court shall cause the entries required by this Act to be made in the register, and thereupon the registrar shall issue to the applicant, in or as nearly as may be in the form set out in the Second Schedule annexed hereto, a certificate of registration. Such certificate so issued shall, subject to the provisions of this Act, remain in force for a period of *twelve months* from the date of issue and no longer.

(4) Notwithstanding the provisions of this Act as to the duration of a certificate, where a renewal has been applied for the current certificate shall remain in force pending the final decision of the court, but not exceeding *three months*, unless the court shall in its discretion extend such time to a further period not exceeding other three months.

(5) A club failing to make application for renewal of a certificate by the date at or previous to which such application must in terms of this Act be made, shall not be granted such renewal unless the court is satisfied that such failure was due to inadvertence.

(6) A club may make application for a certificate of registration at any time after the *first day of November one thousand nine hundred and four* and before the commencement of this Act, and no club which has made such application shall be deemed to be an unregistered club pending the final decision of the court on such application, and any application so made shall for the purposes of this section be deemed to have been made on the *first day of January one thousand nine hundred and five*.

4. In order that any club may be eligible to be registered, the rules of the club shall provide—

Club rules
qualifying
for registra-
tion.

(a) That the business and affairs of the club shall be under the management of a committee or governing body elected for not less than a *year* by the general body of members, and subject in whole or in a specified proportion to annual re-election, and that no member of the committee or governing body, and no manager or servant employed in the club, shall have any personal interest in the sale of exposable liquors therein, or in the profits arising from such sale :

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- (b) That the committee or governing body shall hold periodical meetings :
- (c) That the names and addresses of persons proposed as ordinary members of the club shall be displayed on a conspicuous place in the club premises for at least a week before their election, and that an interval of not less than *two weeks* shall elapse between nomination and election of ordinary members :
- (d) That all members shall be elected by the whole body of members or by the committee or governing body, with or without specially added members :
- (e) That there shall be a defined subscription payable by members in advance :
- (f) That correct accounts and books shall be kept showing the financial affairs and receipts and disbursements of the club :
- (g) That a visitor shall not be supplied with exciseable liquor in the club premises unless on the invitation and in the company of a member, and that the member shall, upon the admission of such visitor to the club premises, or immediately upon his being supplied with such liquor, enter his own name and the name and address of the visitor in a book which shall be kept for the purpose, and which shall show the date of each visit :
- (h) That no exciseable liquors shall be sold or supplied for consumption outside the premises of the club :
- (i) That no persons shall be allowed to become honorary or temporary members of the club, or be relieved of the payment of the regular entrance fee or subscription, except those possessing certain qualifications defined in the rules, and subject to conditions and regulations prescribed therein :
- (j) That no person under eighteen years of age shall be admitted a member of the club unless the club is one primarily devoted to some athletic purpose, and, in the latter case, that no exciseable liquors shall be sold or supplied to any person under eighteen years of age :

Provided always that this section shall not apply to any lodge of Freemasons duly constituted under a charter or warrant from the Grand Lodge of Ireland.

5. The court shall not consider any objection to the grant or renewal of a certificate unless it is taken upon one or more of the following grounds:—

A.D. 1904.

Competent grounds of objection to registration.

- (a) That the application made by the club, or its rules, or any of them, are in any respect specified in such objection not in conformity with the provisions of this Act; or
- (b) That the club has ceased to exist, or that the number of members is less than twenty-five; or
- (c) That it is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose, or mainly for the supply of exciseable liquor; or
- (d) That there is frequent drunkenness on the club premises, or that persons in a state of intoxication are frequently seen to leave the club premises, or that the club is conducted in a disorderly manner; or
- (e) That illegal sales of exciseable liquor have taken place on the club premises; or
- (f) That persons who are not members are habitually admitted to the club merely for the purpose of obtaining exciseable liquor; or
- (g) That the club occupies premises in respect of which, within *twelve months* next preceding the formation of the club, a certificate for the sale of exciseable liquors has been forfeited or the renewal of such a certificate has been refused, or in respect of which an order has been made that they shall not be used for the purposes of a club; or
- (h) That the supply of exciseable liquor to the club is not under the control of the members or the committee appointed by the members; or
- (i) That any of the rules of the club are habitually broken; or
- (j) That the rules have been so changed as not to be in conformity with the provisions of the immediately preceding section of this Act.

6.—(1) If a justice of the peace of any county or divisional magistrate of Dublin metropolitan district is satisfied by information on oath that there is reasonable ground for supposing that any registered club is so managed or carried on as to constitute a ground of objection to the renewal of its certificate in terms of the immediately preceding section, or that an offence under this

Search warrant to enter club.

A.D. 1904.

Act has been or is being committed in any registered club, or that any exciseable liquor is sold or supplied, or kept for sale or supply, on the premises of an unregistered club, he may grant a search warrant to any constable or constables named therein.

(2) A search warrant granted under this section shall authorise the constable or constables named therein to enter the club at any time, if need be by force, and to inspect the premises of the club, to take the names and addresses of any persons found therein, and to seize any books and papers relating to the business of the club.

(3) In the event of any person or persons found in said premises refusing to give their respective names and addresses when requested by any such constable, or giving false names or addresses, such person or persons so doing shall be liable severally on summary conviction to a fine not exceeding *five pounds*.

Penalty for supplying and keeping exciseable liquor in unregistered club.

7.—(1) If any exciseable liquor is sold or supplied to any member or other person on the premises of an unregistered club, every person supplying or selling such liquor, every person who shall pay for such liquor, and every person authorising the supply or sale of such liquor, shall be liable, on summary conviction, to imprisonment with or without hard labour for a term not exceeding *one month*, or to a fine not exceeding *fifty pounds*, or to both.

(2) If any exciseable liquor is kept for supply or sale on the premises of an unregistered club, the same, and the vessels containing the same, may be seized by the police under a warrant from a justice of the peace or divisional magistrate of the Dublin metropolitan district, granted after examination on oath of a credible witness to the fact that such liquor is so kept, and every officer and member of the club shall be liable, on summary conviction, to a fine not exceeding for a first offence *seven pounds*, and for a second offence *fifteen pounds*, and for a third or subsequent offence *thirty pounds*, unless he proves to the satisfaction of the court that such liquor was so kept without his knowledge or against his consent, and on such conviction such liquor and the vessels containing the same shall be forfeited.

Penalties for supplying exciseable liquor for consumption outside registered club.

8. If any exciseable liquor is sold or supplied in a registered club for consumption outside the premises of the club, every person supplying or selling such liquor, every person who shall pay for such liquor, and every person authorising the sale or supply of such liquor, shall be liable severally, on summary conviction, to a fine not exceeding for a first offence *seven pounds*, for a second offence *fifteen pounds* and for a third or subsequent offence *thirty*

pounds, unless he proves to the satisfaction of the court that such liquor was so sold or supplied without his knowledge or against his consent, and where it is proved that such liquor has been received, delivered, or distributed within the premises of the club and taken outside the premises it shall, failing proof to the contrary, be deemed to have been so taken for consumption outside the premises.

A.D. 1904.

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Power to
cancel certi-
ficate of
registration.

9.—(1) On summary complaint by or at the instance of any person competent to lodge objections to the grant or renewal of a certificate of registration it shall be lawful for the court to pronounce a finding that on grounds to be specified therein a registered club is being so managed or carried on as to constitute a ground of objection to the renewal of its certificate as hereinbefore provided.

(2) Where such finding has been pronounced, or where a conviction has taken place under the provisions of the immediately preceding section, a certified copy of the complaint and finding, or of the complaint and conviction, as the case may be, shall within six days from the date of such finding or conviction be transmitted by the clerk of the court to the registrar, who shall forthwith make an entry of every such finding or conviction in the register of clubs, and lay the same before the court, and it shall be lawful for the court, if it thinks fit, and after such further inquiry as it may think necessary, having regard to the magnitude of the offence or to the grounds specified as aforesaid, to cancel the certificate of the club for the period for which it may still have to run, provided always that it shall be competent for such club to apply for the renewal of the certificate at the date at which it would have been competent to do so had the certificate not been cancelled.

(3) When the court has refused an application by any club for the renewal of a certificate, or has cancelled the certificate of a club in manner provided as aforesaid, it may, if it think fit, further pronounce an order that the premises occupied by such club shall not be used for the purposes of any club which requires registration under this Act, for a specified period, which may extend to twelve months in case of a first order, or in case of a second or subsequent order to five years: Provided that any such order may, for good cause shown, be subsequently cancelled or varied by the court.

10. Where a finding has been pronounced that a registered club is being so managed or carried on as to constitute a ground of [10.]

Penalties for
offences by
officers of

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A.D. 1904. objection to the renewal of its certificate, then, if the following grounds, or any of them, are specified in such finding, videlicet:—

registered club.

- (1) That it is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose, or mainly for the supply of exciseable liquor; or 5
- (2) That there is frequent drunkenness on the club premises, or that persons in a state of intoxication are frequently seen to leave the club premises, or that the club is conducted in a disorderly manner; or
- (3) That persons who are not members are habitually admitted 10 to the club merely for the purpose of obtaining exciseable liquor;

every person entered in the register of clubs as an official or a member of the committee of management or governing body of the club shall, unless he satisfies the court that the club was so 15 managed or carried on without his knowledge or against his consent, be liable, on summary conviction, to a penalty not exceeding for a first offence *seven pounds*, for a second offence, whether in connection with the same or another club, *fifteen pounds*, and for a third or subsequent offence as aforesaid *thirty pounds*. 20

Decision of court final.

11. The decision of the court in dealing with an application for an original certificate, or for the renewal of a certificate, or in cancelling a certificate, shall be final and not subject to review.

Penalty for making false application.

12. If the secretary of any club or any other person knowingly lodges with the registrar an application for registration which is 25 false in any material particular, he shall be liable, on summary conviction before the court, to imprisonment, with or without hard labour, for a term not exceeding *three months*, or to a fine not exceeding *fifty pounds*, or to both.

Definitions.

13. For the purposes of this Act the expression— 30

"Certificate" shall mean a certificate of registration:

"Registered club" shall mean a club holding a certificate of registration in force at the time:

"Secretary" shall include any officer of a club or other person performing the duties of a secretary: 35

"Court" shall mean court of summary jurisdiction, and shall include in the Dublin metropolitan police district a divisional magistrate exercising jurisdiction in such district, and elsewhere in Ireland two or more justices of the peace sitting at petty sessions. 40

The court, in dealing with offences under this Act, shall have all the powers of a court of summary jurisdiction. A.D. 1904.

In the Dublin metropolitan police district the principal clerk at each police court shall be substituted for the clerk of petty sessions.

14. This Act shall apply to Ireland only, and may be cited as the Registration of Clubs (Ireland) Act, 1904; and shall commence on the first day of January one thousand nine hundred and four.

Short title,
application,
and com-
mencement.

SCHEDULES.

FIRST SCHEDULE.

FORM OF CERTIFICATE TO ACCOMPANY APPLICATION BY CLUB FOR REGISTRATION OR RENEWAL.

We [or I], Justices of the Peace for the County [or Borough] of
[or a Divisional Magistrate of the Dublin Metropolitan
District], and I, owner of the premises occupied [or to be
occupied] by the club hereinafter mentioned, hereby certify that to the best
of our knowledge and belief the club designated in the
accompanying application is to be [or, in the case of an application by an
existing club, has been and is to be] conducted as a bona fide club, and not
mainly for the supply of excisable liquor.

[Signature, date, and address of each person certified to be here inserted.]

SECOND SCHEDULE.

FORM OF CERTIFICATE OF REGISTRATION OF CLUBS TO BE GRANTED UNDER THIS ACT.

CERTIFICATE OF REGISTRATION.

I, Registrar of Clubs, hereby certify that the
Club, of * is registered under the
Registration of Clubs (Ireland) Act, 1904. This certificate remains in force
till the day of 19 ; application for its
renewal must be made not later than the day of 19 .

* Fill in regis-
tered postal
address of all
premises used
by the club.

Given under my hand this day of 19 .

Registrar of Clubs.